

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
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-v- : 14-CR-334 (JMF)
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MANUEL CORTEZ, :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

On February 19, 2021, the Clerk of Court docketed a renewed motion for compassionate release filed by Defendant Manuel Cortez, proceeding *pro se*. See ECF No. 38. Upon review of the parties' papers, the motion is denied, substantially for the reasons set forth in the Government's response. See ECF No. 43. In brief, the 18 U.S.C. § 3553(a) factors weigh heavily against early release, *see id.* at 4, and given that Cortez has been fully vaccinated with the Moderna vaccine, he "now has significant protection against serious illness or death should he contract COVID-19." *United States v. Singh*, No. 4:15-CR-00028-11, 2021 WL 928740, at *3 (M.D. Pa. Mar. 11, 2021). Accordingly, he "has not demonstrated that his underlying conditions — in combination with the possibility of a COVID-19 infection — provide extraordinary and compelling reasons to grant his motion for compassionate release." *Id.* at *3 & n.36 (citing cases). Denial of the motion, however, is without prejudice to a new application "should future evidence demonstrate that new COVID-19 variants render the Moderna vaccine significantly less effective at preventing serious illness or death from COVID-19, such that [Cortez] is at a substantial risk of serious illness or death from a COVID-19 infection." *Id.* at *4.

The Clerk of Court is directed to terminate ECF No. 38 and to mail a copy of this letter to Mr. Cortez at the following address:

Manuel Cortez
#70947-054
FCI Danbury
Route 37
Danbury, CT 06811

SO ORDERED.

Dated: March 31, 2021
New York, New York


JESSE M. FURMAN
United States District Judge

